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REMARKS

Claims 1-22 are pending in the above application. All claims stand rejected. Claims 3, 4, 9, and 10 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Claims 1-6, 9, 10, and 19-22 stand rejected under 35 U.S.C. §102 as being anticipated by Leonard, U.S. Patent No. 4,591,136. Claims 7, 8, 17 and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over Leonard '136 in view of Klepp, U.S. Patent No. 2,778,626. Claims 11 and 12 stand rejected under 35 U.S.C. §103 as being obvious in view of Leonard '136. Claims 12 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Leonard '136 in view of Tang, Hart, or Hein. Claims 15 and 16 stand rejected under 35 U.S.C. §103 as being unpatentable over Leonard '136 in view of Slocum, Ponslet, Simons, or German Patent No. 1 856 795.

Initially, by the foregoing specification amendments, Applicant has corrected two grammatical errors. No new matter has been added.

With regard to the rejections under 35 U.S.C. §112, claims 3 and 4 have been amended to clarify that "the number of rods" refers to several rods of the plurality of individual rods which converge. Accordingly, the Applicant submits that one of ordinary skill in the art would readily understand what is recited in claims 3 and 4 in view of the claim language, and the specification. Thus, claims 3 and 4, as amended, are definite.

With regard to claims 9 and 10, the term "central symmetrical" is intended to have its ordinary and customary meaning which in mathematics or geometry is commonly understood to mean "a multiplication of forms by rotation around a central point," or "reflections of form in lines, which lines run through a central point." In other words, the rod bundle, in cross-section, exhibits symmetry about a central point such as shown in Figures 3, 4 or 5.

With regard to the rejections under 35 U.S.C. §102 and §103, the Applicant submits that independent claims 1 and 2, as amended, are novel and non-obvious in view of Leonard '136 because each claim recites that the rods forming the rod bundle are cut from drawn wire, which the Leonard '136 reference does not disclose or

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suggest. This claimed feature is disclosed in the specification as originally filed at paragraph [0012] wherein it states that the individual rods having a round cross-section can be cut into lengths of drawn wire, or that the polygonal rods can be manufactured from drawn wire. This feature provides advantages which are not discussed in the Leonard '136 patent. Specifically, manufacturing the rods from drawn wire may eliminate the need for subsequent surface treatment because a relatively good surface quality can be obtained from the drawn wire alone. Control of the surface characteristics of the individual rods permits a predetermined amount of friction resulting from surface contact between the individual rods and, thus, control of the damping capability of the spring as a whole. The ability to control the frictional characteristics between individual rods is not a feature which is disclosed or suggested in the prior art references and particularly, the Leonard '136 reference. Thus, for at least this reason, the Applicant submits that all of the present claims are novel and non-obvious in view of the cited references because the Leonard '136 reference, either alone or in combination, fails to disclose or suggest the Applicant's claimed feature wherein the individual rods are cut from drawn wire.

New claims 23 and 24 are also directed toward the ability to control the frictional characteristics between the individual rods such that the damping of the spring as a whole can be precisely dictated. Specifically, claims 23 and 24 recite that the rod bundle comprises a plurality of primary rods and at least one complimentary rod which is different in size, shape or material than each of the plurality of primary rods. Such complimentary rods are disclosed, for example, in Figures 3B, 3C and 3D as 12', 12" and 12"', respectively. The complimentary rod of different size, shape and, potentially, material is also disclosed as interstitial element 103 in Figure 5F. Nothing like Applicant's claimed rod bundle of claims 23 and 24 is disclosed or suggested in any of the references relied upon in the Office Action. For at least this additional reason, claims 23 and 24 are also novel and non-obvious in view of the cited references.

Having overcome all of the rejections set forth in the Office Action, the Applicant submits that claims 1-24 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited.

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With regard to one formal matter, Applicant notes that the Office Action did not indicate an acknowledgement that the certified copy of the priority document had been received. Applicant transmitted the priority document on March 12, 2004. If this document is not within the Patent Office file, Applicant requests that the Examiner notify the Applicant so that remedial steps may be taken to correct the file. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain. This Response is being submitted with a Petition for Extension of Time (2 months).

Respectfully Submitted,

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